

I am stating my opposition to the proposed application of DRM technologies to the area of Digital Television.

1) The application of DRM technologies will further erode Consumers' Fair Use rights. DRM technologies only accomodate the content providers rights, and strip the consumer of the benefits granted by Fair Use legislation.

2) The application of DRM technologies will further erode consumer value. The media industry is preparing itself to eliminate all Fair Use of content by the consumer (no tape, no PVR, no flexible use of content) while still keeping the price the same (or increase in some instances). Consumers lose the flexibility they have learned to expect, in exchange for the same or higher cable bills, the consumer's interests are clearly ignored.

3) DRM technology implementation will make the consumer pay extra for technology that does not serve their interests. Consumers' existing VCRs, PVRs, TVs, and expensive HDTV Big Screens will pass through yet another round of obsolescence. Meanwhile, consumers will have to pick up the tab to replace or modify their equipment IN ADDITION to paying for the implementation of DRM hardware in there new equipment, forcing consumers to pay for new devices that do not serve their interests.

4) Consumers should not have to foot the bill for the content providers' lack of preparation for the digital age. Digital editing equipment has been in use by the media production industry for the past 30 years. A simple analysis of consumer electronic trends indicate that over time, with the scale of economics on its side, manufacturing costs of technology-related products erode greatly over time.

Any due diligence performed by the content industry would have assured that these DRM standards were built into the ORIGINAL HDTV/DTV specifications. Consumers should not have to replace their first and second generation digital signal receivers because the broadcasting industry neglected to build DRM this into the poorly planned (480i, 480p, 720p, 1080i) specification.

5) Nearly every implementation of a consumer copy protection scheme has been comprimised. Macrovision was easily disabled by first copying a VHS video tape to Sony's BETA format, then back to VHS. Even modern digital copy protection schemes are repeatedly comprimised daily, CSS can easily be evaded with a PC and a piece of software. DirectTV broadcasts can be pirated by purchasing a \$70 "T" or "L" card, capable of descrambling any level of service from satellite.

Quite recently, a new "secure" CD copy protection scheme was evaded using an ink pen writing onto the inner track of a CD. If pens are now considered encryption evasion tools, would the Bic corporation be in violation of the DCMA for producing these DRM evasion tools(pens)? However rediculous this may sound DRM has only proven itself to be untested, unreliable, and unwelcome by the consumer.

History has taught us that it is only a matter of time before any encryption scheme is comprimised. Will consumers be required to "buy in" to the next DRM scheme that the industry invents after this proposed scheme is comprimised in 3 years? 5 years?

6) The consumer rejection of DRM technology over the Internet and other consumer media applications is a preview of consumers' acceptance of DRM over broadcast media. Microsoft has poured millions of dollars into research for DRM technologies, with extremely limited consumer toleration.

In 1998, the failure of Circuit City's DIVX DRM venture clearly showed that consumers will not tolerate the inability to exercise their Fair Use rights with

content that was legally acquired. Consumers strongly favor content distribution models that puts the consumer in control.

The broadcasting industry needs to recognize this trend, and tailor their business model after what consumers want, instead of forcing their inflexible will upon the television viewing populace.

7) Complicating the home media experience with yet another technology standard will hinder consumer confidence in both the CE industry and in the FCC. The American public has heard the "promise" of digital television for nearly 10 years now, and have seen few results. People don't know if it is OK to purchase CE devices now, or continue to wait for "the real DTV standard" to come along. Americans have also watched the FCC move the rollout schedule of DTV farther into the future, making consumers wonder if it can ever hit critical mass.

CE manufacturers have been waiting for the profitable promise of digital television to revitalize the CE industry, where margins on consumer devices are in the low single digits. Consumers only buy high-end gear if they are enticed with promises of 0% financing and other tactics to stir consumer interest.

Any hesitation perceived by consumers of another delay to DTV ubiquity will have grave consequences for CE manufacturers and American's confidence in the FCC.

8) Consumers want DTV / HDTV ubiquity now. We are tired of waiting. Despite the government giving away the HDTV spectrum for pennies, the broadcasting industry has not lived up to their commitment of rolling out digital quality entertainment. They claim that including DRM will help them speed along the rollout of DTV, yet all that it will do is to add another technology layer to implement that will slow down the entire rollout process.

Broadcasters need to make good on the promises that were made to the FCC, Congress, and the American people. They have gotten their bandwidth, when will the American people reap the fruits of this spectral giveaway?

Thank you very much.